

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No: 7:08-CR-72-1-F
No. 7:12-CV-81-F

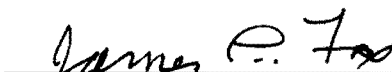
TERRELL DEMTRIOUS McCULLUM,)	
Petitioner,)	
)	ORDER
)	
UNITED STATES OF AMERICA)	
Respondent.)	

The petitioner, Terrell Demtrius McCullum, through appointed counsel, has filed a motion pursuant to 28 U.S.C. § 2255 to vacate, correct or set aside his sentence in light of the *en banc* ruling in *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011). Having conducted a review of the petition pursuant to Rule 4, Fed. R. Governing § 2255 Proceedings, the court concludes that dismissal of this action is not appropriate at this time.

Accordingly, the Government is DIRECTED to file an Answer or other appropriate response to McCullum's motion within **forty (40) days** of the date hereof.

SO ORDERED.

This, the 4th day of April, 2012.



JAMES C. FOX
Senior United States District Judge